



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

April 21, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2018-0221

FROM:

(b) (6)

Special Agent, Hotline Manager
Headquarters, Office of Inspector General

TO:

Patrick Sullivan
Assistant Inspector General
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received an electronic message, dated April 13, 2018, concerning a threat voicemail reported to the OIG from the EPA Chief of Staff. No further information was provided to the Hotline.

Please inform the Hotline within the next 5 calendar days that this referral was received. If you have any further questions, please call me at 202-(b) (6)

Attachment:

(b) (6)

From: Sullivan, Patrick F.
Sent: Friday, April 13, 2018 4:23 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: NOTIFICATION OF VOICEMAIL from Unknown sender (Unknown caller ID)
Attachments: VoiceMessage.wav; ATT00001.htm

(b) (6) -

Open hotline.

(b) (6) -

Stand by for more information from Chief of Staff Ryan Jackson.

We need to interview Mr. Wheeler. I understand that this call was received on his desk phone at his law office here in DC early this morning.

Patrick F. Sullivan

Assistant Inspector General for Investigations
EPA Office of Inspector General
Desk: (202) 566-0308
Cell: (571) 243-2195
FAX: (202) 566-0814
Email: sullivan.patrick@epa.gov

To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at oig_hotline@epa.gov

To report threats directed against EPA employees, contractors, facilities and assets, please email report.EPA.threats@epa.gov

From: Jackson, Ryan
Sent: Friday, April 13, 2018 8:51 AM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>
Subject: Fwd: NOTIFICATION OF VOICEMAIL from Unknown sender (Unknown caller ID)

Let me know if the attachment doesn't come through. (b) received this yesterday. Just wanted you to be aware.

Ryan Jackson
Chief of Staff
U.S. EPA
(b) (6)

Begin forwarded message:

From: "Wheeler, Andrew R." (b) (6)
Date: April 13, 2018 at 8:42:23 AM EDT
To: Ryan Jackson <jackson.ryan@epa.gov>
Subject: Fwd: NOTIFICATION OF VOICEMAIL from Unknown sender (Unknown caller ID)

Is this a threat?

Sent from my iPhone

Begin forwarded message:

From: Cisco Unity Connection Messaging System
<unityconnection@faegrebd.com>
Date: April 13, 2018 at 2:33:42 AM EDT
To: (b) (6)
Subject: NOTIFICATION OF VOICEMAIL from Unknown sender (Unknown caller ID)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

July 25, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2018-0329

FROM: (b) (6)
Special Agent, Hotline Manager
Headquarters, Office of Inspector General

TO: Patrick Sullivan
Assistant Inspector General
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received an open request from (b) (6). (b) (6) received information regarding an email containing a possible threat to the acting Administrator of the EPA.

Please inform the Hotline upon the completion of this case so that it can be closed. If you have any further questions, please call me (202) (b) (6).

Attachment:

From: (b) (6), (b) (7)(C)
To: [REDACTED]
Cc:
Subject: Re: coal ash
Date: Sunday, July 22, 2018 3:54:46 PM
Attachments: [image001.png](#)

Copy

BREAK

(b) (6), (b) (7)(C)

Please take the actions based on (b) (6), (b) (7) and IG instruction.
C

Sent from my iPhone

On Jul 20, 2018, at 3:43 PM, (b) (6), (b) (7)(C) <[@epa.gov](#)> wrote:

(b) (6), (b) (7)(C)

As requested see e-mail chain below. (b) (7)(E) [REDACTED]. Please let me know if you need more.

Thank you and have a great weekend.

(b) (6), (b) (7)(C)

From: Elkins, Arthur
Sent: Friday, July 20, 2018 3:40 PM
To: (b) (6), (b) (7)(C) <[@epa.gov](#)>
Cc: Larsen, Alan <[Larsen.Alan@epa.gov](#)>; (b) (6) [REDACTED]
Sheehan, Charles <[Sheehan.Charles@epa.gov](#)>; (b) (6), (b) (7)(C) [REDACTED]
(b) (6), (b) (7)(C) <[@epa.gov](#)>; (b) (6), (b) (7)(C) <[@epa.gov](#)>;
(b) (6), (b) (7)(C) <[@epa.gov](#)>; (b) (6), (b) (7)(C) <[@epa.gov](#)>;
(b) <[@epa.gov](#)>
(b) **Subject:** Re: coal ash

Thank you.

Art

Sent from my iPhone

On Jul 20, 2018, at 3:29 PM, (b) (6), (b) (7)(C) <[@epa.gov](#)> wrote:

Art,

Message received. Just to be clear, (b) (7)(E) [REDACTED]

[REDACTED] Please let me know if you have any issues or concerns.

Thank You,

(b) (6), (b) (7)(C) [REDACTED]

From: Elkins, Arthur

Sent: Thursday, July 19, 2018 1:11 PM

To: (b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; (b) (6) [REDACTED] <[REDACTED]>

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) [REDACTED] <[REDACTED]@epa.gov>

(b) (6) **Subject:** RE: coal ash

Okay, thank you.

Art

From: (b) (6), (b) (7)(C) [REDACTED]

Sent: Thursday, July 19, 2018 1:02 PM

To: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; (b) (6) [REDACTED]

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

(b) (6), (b) (7)(C) [REDACTED] <[REDACTED]@epa.gov>; (b) (6), (b) (7)(C) [REDACTED]

([REDACTED]@epa.gov>

Subject: RE: coal ash

Thank you Art. In my discussion with Chuck this morning, OI wanted to start by learning more about the person that was sending the message. (b) (7)(E) [REDACTED]

Since this is a new process, I just want to make sure we are all on the same page.

(b) (6), (b) (7)
(C)

From: Elkins, Arthur

Sent: Thursday, July 19, 2018 12:05 PM

To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan

<Larsen.Alan@epa.gov>; (b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6)

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>

Subject: RE: coal ash

All,

Having discussed this issue with Chuck, it is my understanding that the OI proposal is to (b) (7)(E)

Based on the above, and the facts in this case, I approve the records check only option.

Thank you.

Art

From: Sullivan, Patrick F.

Sent: Thursday, July 19, 2018 9:38 AM

To: Larsen, Alan <Larsen.Alan@epa.gov>; (b) (6), (b) (7)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; (b) (6), (b) (7)(C)

(b) <[\[REDACTED\]@epa.gov](mailto:[REDACTED]@epa.gov)>; Elkins, Arthur <Elkins.Arthur@epa.gov>

(b) **Subject:** RE: coal ash

Thanks, Al.

(b) just briefed me and said that he discussed this with Chuck this morning, after speaking to you.

(b) (5), (b) (7)(E)

The author goes way beyond expressing (b) disagreement with EPA and the acting Administrator.

The message states:

Your job is to protect the environment and make sure our air and water quality are not polluted by industry. What the fuck are you doing you trump ass kisser. Your going to get thrown out too you piece of shit. If my kids or grand kids were to become sick from your actions we will come and find you!

(b) (5)

But I will of course, accept whatever decision Art renders.

Thanks again.

Patrick F. Sullivan

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: (571) 243-2195

FAX: (202) 566-0814

Email: sullivan.patrick@epa.gov

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202-566-2599, or email at oig_hotline@epa.gov**

**To report threats directed against EPA employees, contractors, facilities
and assets, please email report.EPA.threats@epa.gov**

From: Larsen, Alan

Sent: Thursday, July 19, 2018 9:16 AM

To: (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov> (b) (6), (b) (7)(C)

(b) (6), (b) (7) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) @epa.gov

Subject: RE: coal ash

Thanks you for coming by to discuss (b) (5)

Al

From: (b) (6), (b) (7)(C)

Sent: Thursday, July 19, 2018 8:44 AM

To: Larsen, Alan <Larsen.Alan@epa.gov>; (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) @epa.gov; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) @epa.gov

Subject: RE: coal ash

Al,

Thanks for your response. I will come to see you. (b) (6), (b) (5)

(b) (6), (b) (7)(C)

From: Larsen, Alan

Sent: Thursday, July 19, 2018 8:34 AM

To: (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F.

<Sullivan.Patrick@epa.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), @epa.gov>

Subject: RE: coal ash

(b) (5)

Al

From: (b) (6), (b) (7)(C)

Sent: Thursday, July 19, 2018 8:02 AM

To: Larsen, Alan <Larsen.Alan@epa.gov>; (b) (6)

Cc: Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F.

<Sullivan.Patrick@epa.gov>; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C)

(b) (6), @epa.gov>

(b) (7) **Subject:** FW: coal ash

Office of Counsel:

A threatening message sent to the Acting Administrator, see e-mail chain below. (b) (5)

. Please review and let us know what you think.

(b) (6), (b) (7)(C)

Please let us know if this person is of record in the threat database.

Thank You,

(b) (6), (b) (7)

(b) (6), (b) (7)(C)

Environmental Protection Agency - OIG

Desk: (b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)
e-mail: (b) (6), (b) (7)(C)@epa.gov

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OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax
202-566-2599, or email at oig_hotline@epa.gov

To report threats directed against EPA employees, contractors, facilities
and assets, please email report.EPA.threats@epa.gov

From: (b) (6), (b) (7)(C)
Sent: Wednesday, July 18, 2018 6:41 PM
To: Wheeler, Andrew (b) (6), (b) (7)(C) >
Cc: (b) (6), (b) (7)(C)@epa.gov > (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@epa.gov > (b) (6), (b) (7)(C)@epa.gov >;
(b) (6), (b) (7)(C)@epa.gov > (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)@epa.gov >; (b) (6), (b) (7)(C)@epa.gov > (b) (6),
(b) (6), (b) (7)(C)@epa.gov >
Subject: Re: coal ash

(b) (5) I will forward it to the
OIG and OHS for further review.

v/r,

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
U.S. Environmental Protection Agency | Protective Service
Detail
[1200 Pennsylvania Avenue | Washington DC 20004](https://www.epa.gov/1200-pennsylvania-avenue)
(b) (6), (b) (7)(C)@epa.gov | www.epa.gov



d: (b) (6), (b) (7)(C) | c: (b) (6), (b) (7)(C)

CONFIDENTIALITY NOTICE: This message and any
attachments is from a Federal Law Enforcement Officer
of the U.S. Environmental Protection Agency Protective

Service Detail which may contain CONFIDENTIAL and legally protected information. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Help EPA fight pollution. Report environmental violations at <http://www.epa.gov/tips>

On Jul 18, 2018, at 6:30 PM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) <[@epa.gov](mailto:(b) (6), (b) (7)(C)@epa.gov)> wrote:

Is this a threat?

From: (b) (6), (b) (7)(C)

Sent: Wednesday, July 18, 2018 4:27 PM

To: Wheeler, Andrew (b) (6), (b) (7)(C) <[@epa.gov](mailto:(b) (6), (b) (7)(C)@epa.gov)>

Subject: coal ash

Your job is to protect the environment and make sure our air and water quality are not polluted by industry. What the fuck are you doing you trump ass kisser. Your going to get thrown out too you piece of shit. If my kids or grand kids were to become sick from your actions we will come and find you!

Sent from [Mail](#) for Windows 10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

November 14, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0045

FROM:

(b) (6)

(b) (6)

Hotline Manager
Headquarters, Office of Inspector General

TO:

Alan Larsen
Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received two documents from the Correspondence Management System concerning individuals impersonating EPA Acting Administrator Andrew Wheeler.

A copy of the documents and additional information is included in the attachment.

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at (202) (b) (6).

Attachment:

Correspondence Management System

Control Number: AX-19-000-0161

Printing Date: October 12, 2018

Citizen Information

Citizen/Originator: (b) (6)

Organization: N/A

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-19-000-0161

Alternate Number: N/A

Status: Appropriate Action

Closed Date: N/A

Due Date: Oct 24, 2018

of Extensions: 0

Letter Date: Oct 7, 2018

Received Date: Oct 7, 2018

Addressee: AAD-Acting Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: ASAP - As appropriate

Signature Date: N/A

File Code: 401_1006_a Administrative Management - Controlled and major correspondence for employees other than senior officials

Subject: Fraudulent acts impersonating the Acting Administrator on social media

Instructions: AR - ACTION REQUIRED - Please take the action requested in this communication.

Instruction Note: N/A

General Notes: N/A

State-Tribal CNTL: N/A

CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6)	OEX	OIG	Oct 9, 2018	Oct 24, 2018	N/A
Instruction: AR - ACTION REQUIRED - Please take the action requested in this communication.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6)	OEX	Assign OECA as lead office	Oct 9, 2018

Correspondence Management System

Control Number: AX-19-000-0161

Printing Date: October 12, 2018

Action By	Office	Action	Date
(b) (6)	OECA	Accepted the group assignment	Oct 9, 2018
(b) (6)	OECA	Sent to (b) (6) for Reassignment Request	Oct 9, 2018
(b) (6)	OEX	Request for Reassignment Approved	Oct 9, 2018
(b) (6)	OEX	Assign OIG as lead office	Oct 9, 2018

Comments

Commentator	Comment	Date
(b) (6)	This does not belong to OECA. Please refer this to the OIG.	Oct 9, 2018

Date: Tue Oct 09 09:48:37 EDT 2018

From: (b) (6) @epamail.epa.gov

To: (b) (6) >

Subject: FW: (b) (6) - from Region 9 Burbank California

From: (b) (6)

Sent: Tuesday, October 9, 2018 1:48:37 PM (UTC+00:00) (b) (6)

To: (b) (6)

Cc: (b) (6)

Subject: FW: (b) (6) - from Region 9 Burbank California

-----Original Message-----

From: (b) (6)

Sent: Sunday, October 07, 2018 4:49 AM

To: Wheeler, Andrew (b) (6) @epa.gov>

Subject: (b) (6) from Region 9 Burbank California

Dear Mr. Wheeler,

I hope this email finds you with well wishes.

I've been following your work since you were selected by President Trump as the EPA Admin. in April after Mr. Pruitt resigned. So I began following you on what I thought was your Facebook page. But unfortunately a very dishonest person was impersonating you. Mr. Wheeler I know you are a very busy man so I won't take up too much of your time. But as a supporter of Pres.Trump and yourself I thought it my duty to let you know. I caught this person red handed and he actually confessed to this Fraudulent scam. I felt extremley used and hurt. Which soon turned to anger. I actually thought I was speaking with you. This man went so far as to send me photos of you. They appear to be taken from your twitter page. This man tried to extort money from me claiming a charity for African children that you were involved with on one occasion. And on the other he was foolish enough to claim he needed an iphone for his son. That's when I knew for sure he was lying about his identity. So i called his bluff and asked him to video chat with me which of course he declined. I exposed him as a fraud and he confessed. I wish there were a way to stop these "fake" accounts on social media. I think more needs to be done by Facebook, Google and Twitter. I'm very sorry this happened to you and to me. It's not a good feeling to know that someone has taken advantage of you. For their own selfish reasons. I reported this case to Facebook and Google Hangouts. But Google could care less. They never replied to me and this is standard practice for them. Facebook did acknowledge my request to investigate the account as Fraudulent but only after my second request. But they never explained further as to there being a criminal complaint or charge in progress. I'm sure there will be none. So this type of Fraud can just continue with no consequences for these scammers. Impersonating a Government Official should have serious consequences. I respect our president and his cabinet for doing the important work for the country. Including the EPA and its administrator.

Thank you for your very important time Mr. Wheeler.

I thought you should know that I saved this persons texts and emails as proof including his confession to committing these fraudulent acts as he also created a fraudulent email address through gmail as (b) (6) @gmail.com which he is still using as far as I know.

(b) (6)

Burbank, California

email: (b) (6)

Sent from my iPad

(b) (6)

From: (b) (6)
To: (b) (6)
Cc: (b) (6)
Subject: RE: CMS New Assignment - (b) (6) AX-19-000-0161
Date: Tuesday, October 09, 2018 11:49:29 AM

Done.

Thanks (b) (6)

(b) (6)
Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW MC 2201A
Washington, DC 20460

Office: (b) (6) | Cell: (b) (6)

-----Original Message-----

From: (b) (6)
Sent: Tuesday, October 9, 2018 11:46 AM
To: (b) (6) @epa.gov>
Cc: (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>
Subject: RE: CMS New Assignment (b) (6) AX-19-000-0161

Please request reassignment through CMS with the notes below. Thanks

-----Original Message-----

From: (b) (6)
Sent: Tuesday, October 09, 2018 11:41 AM
To: (b) (6) @epa.gov>
Cc: (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>
Subject: RE: CMS New Assignment - (b) (6) AX-19-000-0161

(b) (6)

This control AX-19-000-0161 and control AX-19-000-0163 do not belong to OECA. I spoke with (b) (6) (OECA DAA) and he suggests that these 2 controls be referred to the OIG.

Let me know if you have any questions or concerns.

Thanks,

(b) (6)

Special Assistant
Office of Enforcement and Compliance Assurance U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW MC 2201A
Washington, DC 20460

Office: (b) (6) Cell: (b) (6)

-----Original Message-----

From: (b) (6)

Sent: Tuesday, October 9, 2018 11:05 AM

To: (b) (6) <(b) (6)@epa.gov>; (b) (6) <(b) (6)@epa.gov>; (b) (6) <(b) (6)@epa.gov>; (b) (6) <(b) (6)@epa.gov>; (b) (6) <(b) (6)@epa.gov>

(b) (6) <(b) (6)@epa.gov>

Subject: CMS New Assignment - (b) (6) - AX-19-000-0161

Control AX-19-000-0161 has been assigned to your office on 10/9/18 11:04 AM by (b) (6). Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-19-000-0161

Control Subject: Fraudulent acts impersonating the Acting Administrator on social media

From: (b) (6)

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.

Correspondence Management System

Control Number: AX-19-000-0163

Printing Date: October 12, 2018

Citizen Information

Citizen/Originator: (b) (6)

Organization: N/A
Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-19-000-0163 **Alternate Number:** N/A
Status: Appropriate Action **Closed Date:** N/A
Due Date: Oct 24, 2018 **# of Extensions:** 0
Letter Date: Oct 7, 2018 **Received Date:** Oct 7, 2018
Addressee: AAD-Acting Administrator **Addressee Org:** EPA
Contact Type: EML (E-Mail) **Priority Code:** Normal
Signature: ASAP - As appropriate **Signature Date:** N/A
File Code: 401_1006_a Administrative Management - Controlled and major correspondence for employees other than senior officials
Subject: Confidential Email to Mr. Wheeler from (b) (6)
Instructions: AR - ACTION REQUIRED - Please take the action requested in this communication.
Instruction Note: N/A
General Notes: N/A
State-Tribal CNTL: N/A
CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6)	OEX	OIG	Oct 9, 2018	Oct 24, 2018	N/A
Instruction: AR - ACTION REQUIRED - Please take the action requested in this communication.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
(b) (6)	OEX	Assign OECA as lead office	Oct 9, 2018

Correspondence Management System

Control Number: AX-19-000-0163

Printing Date: October 12, 2018

Action By	Office	Action	Date
(b) (6)	OECA	Accepted the group assignment	Oct 9, 2018
(b) (6)	OECA	Sent to (b) (6) for Reassignment Request	Oct 9, 2018
(b) (6)	OEX	Request for Reassignment Approved	Oct 9, 2018
(b) (6)	OEX	Assign OIG as lead office	Oct 9, 2018

Comments

Commentator	Comment	Date
(b) (6)	This controls does not belong to OECA. Please refer this control to OIG.	Oct 9, 2018

Date: Tue Oct 09 09:55:02 EDT 2018

From: (b) (6)

To: (b) (6)

Subject: FW: Confidential Email to Mr. wheeler from (b) (6)

From: (b) (6)

Sent: Tuesday, October 9, 2018 1:55:01 PM (UTC+00:00) (b) (6)

To: CMS.OEX

Subject: FW: Confidential Email to Mr. wheeler from (b) (6)

-----Original Message-----

From: (b) (6)

Sent: Sunday, October 07, 2018 5:27 AM

To: Wheeler, Andrew (b) (6) @epa.gov>

Subject: Confidential Email to Mr. wheeler from (b) (6)

Mr. Wheeler, here is the email I received from the man that was impersonating you. In my first email to you i stated the email he was using incorrectly. The corrected email profile name he was using through gmail was (b) (6) @gmail.com (b) (6) @gmail.com> . i apologize for any confusion this may have caused.

Sent from my iPad

(b) (6)

Begin forwarded message:

From: (b) (6) @gmail.com (b) (6) @gmail.com> >

Date: October 5, 2018 at 6:08:16 PM PDT

To: (b) (6)

Subject: Re: I really never planned to hurt you (b) (6)

Good evening to the world most funniest lady, I guess you are already at home now, i hope you are having a great evening.. (b) (6) i truly don't know what to say and how to say this, ever since i met you, you've been so friendly and open to me, you truly and really have changed the person i am.. I always find happiness and you always make me smile whenever i am talking to you on social media.. I truly and really wished you were part of my family honestly speaking.. I really didn't mean to do this to you, as am writing to you right now, am in tears, it's really not my fault doing this, it's the present situation of my country and current predicament i find myself but i really didn't mean to scam you, i thought of it because you've been so nice to me since i met you.. I'm a graduate and i graduated from the department of computer science and i have all my results and documents with me, i graduated since 3years ago with a good result but still, no job. There is a trending saying in my country that says and i quote "if you don't have connections, even with your certificate, there is nothing for you". My dea (b) (6) my country is so blessed and it has all it takes make our youths better but the persons in the government houses are misusing the the wealth of the country, as a citizen by birth of a country, you all to enjoy and benefit from your country but right in the country i am now, we don't receive anything or benefits from our country and by so doing, they are damaging and destroying our lifes as youths, thats why you find so many guys doing scan and frauding people just to earn a living for themselves and their families.. Of a truth (b) (6) i just started this year after enough searching of job..

(b) (6) i really truly don't know how to apologize to you but please have mercy and forgive me, even if you won't talk to me anymore, i really honestly missed the moments we had together and our chats and thanks so much for always making me smile and happy. I would have love to give you my real identity and information but I'm scared of you reporting me to the FBI.. Right now as am writing to you, my mother, my 6 sisters, my 2 brothers and you are the only hope i have right now. I included you because you are really more than a family to me and am really ready to expose all the fake accounts and pages and how they operate to you, so you won't fall a victim. I really don't want find pleasure in scaming people but am doing this to sustain with my family..

I lost my dad when i was 2years of aged, I didn't even have that fatherly care, since then, my mother has been the one taking care of the rest of us. You know how what it means for a single woman to take care of 9children, it has really not been easy for my mom, so i was looking forward to make her proud but the present situation of my country does not want me to make her happy in return for being there for me throughout my academics.. Please (b) (6) i know i do not deserve to be forgiven but please have a place in your to forgive me, even if you can't forgive me but please forgive me because of (b) (6) .. Please.

From (b) (6)

TO

(b) (6)

(b) (6) Honestly speaking eh, am really missing Your chats and the little moments we had together on social media and i will forever be so delighted and glad, even more happier to read from you and please don't forget to always take very good care of yourself and always stay safe okay!! Smiling .. Funny (b) (6) i truly missed you.

On 4 Oct 2018 12:16 (b) (6) > > wrote:

i knew you wouldn't have the courage to reply to my email or text messages. Who ever you are you must think you're very clever but you're not. You are a fraud and a fool. You tried to put a scheme together before pretending to be a green beret in Afghanistan. And you asked me for money then as well. i knew you wouldn't video chat with me. Because you would then have to reveal your "real self". You take pleasure in hurting people. for whatever reason. How dare you try to stab me in the back. You are nothing but a low life spineless weasel trying to bilk me . how many others have you done this to? i really thought you might actually care about me. But i was so wrong. I don't understand why you had to do that ??? I have no idea who you really are. why did you say you would help my husband?? When someone plays with your emotions like that ...it's wrong on every level. Why are you so selfish? You know everything about me. but I know nothing about you. You never told me anything about you. But you asked me many personal questions. Like how much money i make at my job. Why did you ask? Did i ask you that . why did you keep pressuring me about sending money by western union to a so called charity in Africa. Funny you actually think I'm going to give you my bank account number so you can pay me back. lol. you should seriously pull your head out of your ass. that story about your son needing an Iphone ??? wow really. Let me give you some advice ok. you need to learn how to lie a lot better. That was the lamest lie so far from you. lawyers dont ask people for money. the fact nor do they ask for money but then try to brag about being rich. who says that? Who would say such a stupid thing. brag about mansions and cars. Fuck off. If thats true why ask me for money. well here's a news flash buddy... i can be a cold Bitch when someone crosses me ...but I actually thought you were someone of good character. But there are red flags. And i did see them. And to think you actually wanted to meet me. Why would you play me that way?? At least have the backbone to confess. you could still apologize to me for being a user. A real man would never do this to me. and i truly wanted to meet you in person. I really really liked you and enjoyed our chats for the most part. Really looked forward to it. But i feel really used. And that's not a good feeling. at all.

Well all i can say is if I did ever meet you in person ...i would spit in your face for hurting me. you are a predator. and a con artist.

Sent from my iPad

(b) (6)

From: (b) (6)
To: (b) (6)
Cc: (b) (6)
Subject: RE: CMS New Assignment - (b) (6) - AX-19-000-0161
Date: Tuesday, October 09, 2018 11:49:29 AM

Done.

Thanks (b) (6)

(b) (6)

Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW MC 2201A
Washington, DC 20460

Office: (b) (6) | Cell: (b) (6)

-----Original Message-----

From: (b) (6)
Sent: Tuesday, October 9, 2018 11:46 AM
To: (b) (6) @epa.gov>
Cc: (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>
Subject: RE: CMS New Assignment - (b) (6) - AX-19-000-0161

Please request reassignment through CMS with the notes below. Thanks

-----Original Message-----

From: (b) (6)
Sent: Tuesday, October 09, 2018 11:41 AM
To: (b) (6) @epa.gov>
Cc: (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>; (b) (6) @epa.gov>
Subject: RE: CMS New Assignment - (b) (6) - AX-19-000-0161

(b) (6)

This control AX-19-000-0161 and control AX-19-000-0163 do not belong to OECA. I spoke with (b) (6) (OECA DAA) and he suggests that these 2 controls be referred to the OIG.

Let me know if you have any questions or concerns.

Thanks,

(b) (6)

Special Assistant
Office of Enforcement and Compliance Assurance U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW MC 2201A
Washington, DC 20460

Office: (b) (6) Cell: (b) (6)

-----Original Message-----

From: (b) (6)

Sent: Tuesday, October 9, 2018 11:05 AM

To: (b) (6) <(b) (6)@cpa.gov>; (b) (6) <(b) (6)@cpa.gov>; (b) (6) <(b) (6)@cpa.gov>;
(b) (6) <(b) (6)@cpa.gov>; (b) (6) <(b) (6)@cpa.gov>; (b) (6) <(b) (6)@cpa.gov>

Subject: CMS New Assignment - (b) (6) - AX-19-000-0161

Control AX-19-000-0161 has been assigned to your office on 10/9/18 11:04 AM by (b) (6). Please go to the CMS webpage to view the details of the control.

Summary Information -

Control Number: AX-19-000-0161

Control Subject: Fraudulent acts impersonating the Acting Administrator on social media

From: (b) (6)

Note: This Email was automatically generated. Please do not attempt to respond to it. You can access this control at <https://cms.epa.gov/cms>. Questions or comments concerning CMS should be directed to CMS Support at 202-564-4985 or CMS Information@epa.gov.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

November 16, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0045

FROM: (b) (6)
Hotline Manager
Headquarters, Office of Inspector General

TO: (b) (6)
Acting Assistant Inspector General
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received two documents from the Correspondence Management System concerning individuals impersonating EPA Acting Administrator Andrew Wheeler.

A copy of the documents and additional information is included in the attachment.

Please inform the Hotline upon the completion of this case so that it can be closed. If you have any further questions, please call me (202) (b) (6).

10 pages removed: duplicative of pages 14-24



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

December 6, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0069

FROM: (b) (6) (b) (6)
Hotline Manager
Headquarters, Office of Inspector General

TO: Eric Hanger
Acting Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received an email from an OIG EPA agent that was forwarded from OAR Central Operations & Resources, RTP, regarding a potential threat received through the Regulations.gov website in the comments section. The comment was allegedly sent by (b) (6)

A portion of one of the comments is below. Please see the attachment for more information.

- Let me be CLEAR: WE WILL HUNT YOU DOWN ON LEGAL STANDINGS AND KNOCK YOU ON YOUR FAT ASS BEFORE WE ALLOW YOU TO POLLUTE EVERYTHING THAT'S LIFE SUSTAINING RESOURCES. THESE RESOURCES BELONG TO ALL OF US AND WE HAVE EVERY RIGHT, CONSTITUTIONALLY AND BY GOD, TO FORCE YOU TO STOP!
- I pray the wrath of God finds Wheeler's FAT, ARROGANT, EVIL, GREEDY ass with a beating that leaves him blind, crippled and paralyzed for LIFE, followed by a 2x4 shoved so far up his FAT ASS that he has to poop in a bag for the rest of his life. I further pray the wrath of God finds Wheeler's wife and ANY children with toxic poisoned FORCED down their throats until they can no longer stand. We're coming for you fat boys and YOU WILL be prosecuted to the fullest extent of the law, including GOD'S LAW!

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at (b) (6)

Attachment:

From: Hanger, Eric
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Possible threat
Date: Thursday, December 6, 2018 9:56:27 AM

Received. I'll get back to you.

From: (b) (6), (b) (7)(C)
Sent: Tuesday, December 4, 2018 5:29 PM
To: Hanger, Eric <Hanger.Eric@epa.gov>
Cc: (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C) epa.gov; (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C) @epa.gov; (b) (6), (b) (7)(C) @epa.gov
Subject: Fwd: Possible threat

Eric

Good evening. (b) (5)

We will standby for your opinion.

Thx

(b) (6), (b) (7)(C)

Sent from my iPhone

Begin forwarded message:

From: (b) (6), (b) (7)(C) @epa.gov
Date: December 4, 2018 at 5:26:23 PM EST
To: (b) (6), (b) (7)(C) @epa.gov, (b) (6), (b) (7)(C) @epa.gov, (b) (6), (b) (7)(C) @epa.gov
Cc: (b) (6), (b) (7)(C) @epa.gov
Subject: FW: Possible threat

(b) (6)

OAR Central Operations & Resources, RTP, just forwarded a potential threat received through the [Regulations.gov](https://www.regulations.gov) website in the comments section (apparently new proposed regulations are listed on this site and the public is allowed to post comments). This "comment" was allegedly sent by (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

To: A-AND-R-DOCKET

Date: 11/20/2018 10:13:18 AM

Subject: I am writing about EPA-HQ-OAR-2017-0483

Dear EPA Comments,

I oppose the proposed amendments to the Environmental Protection Agency's (EPA) emissions standards for oil and gas operations, which would weaken safeguards that protect against methane gas leaks and other harmful air pollution. Rather than weakening protections, we need to be strengthening pollution safeguards.

The EPA's OWN ANALYSIS found that the current standards reduce methane leakage and harmful air pollution, all at low cost. These standards have been in place for a year and the industry is still thriving. Rolling back these protections would only mean risking the health of communities living near oil and gas facilities and our environment.

Methane is 86 times more potent as a heat-trapping gas than carbon dioxide over a 20-year period. We are already seeing the destructive impacts of climate change in our country and increased methane pollution will only intensify these effects. Dismantling standards that stop pollution leaks from the oil and gas industry would be a direct attack on the environment and on the future generations that will face severe effects from global warming.

Remember when you were a child and your parents told you NOT to do a certain something? It made you even MORE DETERMINED to do, didn't it? Welcome to our world and a fight you WILL NEVER win. You think we're so stupid as to not come to the following perceptions. Pay close attention, because this is your path to either destruction or a renewed sense of good business practices, while making great profits.

You spend BILLIONS of dollars BUYING votes in our government, let's not try to lie here, it's the truth and the only hard thing for you here is you didn't think we'd be so clear on that. You spend millions trying to fight us off at these drill sites, you also spend millions on attorney fees and court time. You spend millions to clean up after a spill and more millions trying to frame messages in commercials, etc.

Yet, not ONE DOLLAR on renewable energy! YOU are the CAUSE of your OWN fight here. YOU could be making millions and be a hero by positioning yourselves at the forefront of addressing energy needs, making money off it still, and there are NO boycotts, NO protests, NO court litigation, NO clean up expenses, NO lawsuits to defend and/or pay out. Imagine for a moment, that ALL the millions you spend on lobbying and buying government votes can go back into profits, AND the BEST thing: YOU WILL BE LABELED THE PRINCE OF SAVING MOTHER EARTH. Lay down your weapons and take a REAL look at what dirty energy does to OUR mother earth, OUR food, OUR water, OUR animals and OUR children and grandchildren. By the way, the "OUR" references INCLUDE you and your family.


Let me be CLEAR: WE WILL HUNT YOU DOWN ON LEGAL STANDINGS AND KNOCK YOU ON YOUR FAT ASS BEFORE WE ALLOW YOU TO POLLUTE EVERYTHING THAT'S LIFE SUSTAINING RESOURCES. THESE RESOURCES BELONG TO ALL OF US AND WE HAVE EVERY RIGHT, CONSTITUTIONALLY AND BY GOD, TO FORCE YOU TO STOP!

I pray the wrath of God finds Wheeler's FAT, ARROGANT, EVIL, GREEDY ass with a beating that leaves him blind, crippled and paralyzed for LIFE, followed by a 2x4 shoved so far up his FAT ASS that he has to poop in a bag for the rest of his life. I further pray the wrath of God finds Wheeler's wife and ANY children with toxic poisoned FORCED down their throats until they can no longer stand. We're coming for you fat boys and YOU WILL be prosecuted to the fullest extent of the law, including GOD'S LAW!

The EPA was designed to protect our environment, and I urge you to stay true to this mission by keeping the current methane pollution standards in place.

Sincerely,

(b) (6), (b) (7)(C)



Sent: Tuesday, December 04, 2018 4:55 PM

To: (b) (6), (b) (7)(C) <[REDACTED]@epa.gov>

Subject: Possible threat

See attached

<https://www.regulations.gov/>(b) (6), (b) (7)(C) [REDACTED]
[REDACTED]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

December 6, 2018

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0074

FROM: (b) (6)

Headquarters, Office of Inspector General

TO: Eric Hanger
Acting Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a voicemail from a female caller from phone number (b) (6). The complainant stated she was calling to report some fraud on behalf of the EPA acting administrator, Andrew Wheeler because of his roll back policy on emissions. The caller stated that Wheeler is a disgrace and a grifter just like the "fucking president." She said "shame on your boss, shame on him, and we're coming for him."

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at (b) (6).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

January 4, 2019

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0105

FROM: (b) (6) [redacted]
Hotline Manager (b) (6) [redacted]
Headquarters, Office of Inspector General

TO: Eric Hanger
Acting Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a referred complaint from EPA CID. The complainant wrote:

- “Andrew R. Wheeler is being elected as the EPA’s deputy administrator. This will ruin the environment. An investigation on his qualifications as a non-partisan representative, championing for the rights of the American people is required. On the behalf of the concerned populace, please do something.”

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at (b) (6) [redacted].

Attachment:

FWD: (Investigations/Other - FY19-181288-3800) Criminal Tip and/or Complaint - District of Columbia

(b) (6), (b) (7)(C)@epa.gov

Fri 1/4/2019 11:13 AM

To:OIG Hotline <OIG_Hotline@epa.gov>;

01/04/2019

SUBJECT: FWD: (Investigations/Other - FY19-181288-3800) Criminal Tip and/or Complaint - District of Columbia
FROM: (b) (6), (b) (7)(C)
TO: OIG_Hotline@epa.gov
CC:

Tip ID: 181288

-----Original Message-----

1/3/2019 11:58 PM

HQ LEAD NUMBER: FY19-181288-3800

SUBJECT: Criminal Tip and/or Complaint - District of Columbia

FROM:

TO:

Alleged Violator's Name: Donald Trump

Alleged Violator's Address: 1600 Pennsylvania Ave NW

Alleged Violator's City: Washington D.C.

Alleged Violator's State: District of Columbia

Alleged Violator's Zip: 20500

Submitter IP Address: (b) (6), (b) (7)(C)

Tip or Complaint: Andrew R. Wheeler is being elected as the EPA'S deputy administrator. This will ruin the environment. An investigation on his qualifications as a non-partisan representative, championing for the rights of the American people is required. On the behalf of the concerned populace, please do something.

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? No



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 1, 2019

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0129

FROM:

(b) (6)

Headquarters, Office of Inspector General

TO:

Eric Hanger
Acting Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a letter from U.S. Senators Richard Blumenthal, Jeffrey A. Merkley, and Elizabeth Warren, regarding their concerns over EPA Administrator Andrew Wheeler's ethical conduct as EPA Deputy and Acting Administrator and "his ties to big polluters and special interests." The letter urged the EPA OIG to open an investigation into potential violations of Mr. Wheeler's Ethics Pledge "resulting from his meetings with former clients and failing to recuse himself from matters that give his former clients privileged access and undue influence."

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at

(b) (7)(C)

Attachment:

United States Senate

WASHINGTON, DC 20510

January 31, 2019

The Honorable Charles J. Sheehan
Acting Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, Northwest (2410T)
Washington, D.C. 20460

Dear Mr. Sheehan,

As the United States Senate considers the nomination of Andrew Wheeler to be Administrator of the Environmental Protection Agency (EPA), we write to express our deep concern over his ethical conduct as Deputy and Acting Administrator and his ties to big polluters and special interests. We urge you to open an investigation into potential violations of his Ethics Pledge resulting from his meetings with former clients and failing to recuse himself from matters that give his former clients privileged access and undue influence.

Andrew Wheeler was first confirmed by the Senate to be Deputy Administrator of the EPA on April 12, 2018. He later assumed the role of Acting Administrator in July 2018, upon former Administrator Pruitt's resignation. Acting Administrator Wheeler was then nominated by President Trump to be Administrator of the EPA on January 9, 2019. During his confirmation process to be Deputy Administrator, he signed an Ethics Agreement that committed him to undertake certain recusals involving his former clients and to sign an Ethics Pledge under Executive Order No. 13770, which bound him to additional requirements and restrictions involving his former clients.¹

Ethics agreements, such as this one, are an essential step in the confirmation process to ensure that federal government appointees remain impartial and free of conflicts of interest in order to maintain confidence and integrity in the government and their respective agency. The Ethics Pledge he signed committed him to recusing himself "from particular matters in which any former employer or client [he] served in the two years prior to [his] appointment" and a lobbyist ban, which prohibits appointees from participating in specific issue areas in which they previously lobbied, for two years. Following his appointment, he submitted a Certification of Ethics Agreement Compliance to the U.S. Office of Government Ethics, in which he affirmatively represented that he was in compliance with his Ethics Pledge obligations, including those matters involving his former clients.²

¹ Andrew R. Wheeler to Kevin S. Minoli, October 10, 2017, in author's possession.
https://www.eenews.net/assets/2017/10/19/document_gw_04.pdf (accessed January 23, 2019).

² U.S. Office of Government Ethics, "Certification of Ethics Agreement Compliance," <http://altgov2.org/wp-content/uploads/Wheeler-EA-Certification-1-of-1.pdf> (accessed January 23, 2019).

A recent complaint³ filed with the EPA Office of the Inspector General by Citizens for Responsibility and Ethics in Washington (CREW) sheds light on a disturbing pattern of potential violations of Acting Administrator Wheeler's Ethics Pledge. Specifically, as a former lobbyist for Murray Energy, Acting Administrator Wheeler is required to recuse himself from participating in any related rules and regulations at EPA that he previously lobbied on. However, it appears that he did not recuse himself from engaging in revisions to coal combustion residuals regulations and Affordable Clean Energy regulations—a proposal to replace the Clean Power Plan—both matters that he appears to have lobbied on.

As a former lobbyist for Darling Ingredients, Inc., Acting Administrator Wheeler also did not recuse himself from partaking in renewable fuel standard regulatory determinations. Additionally, last May and June, Acting Administrator Wheeler held meetings with former clients including Darling Ingredients, Inc., Growth Energy, and the Archer Daniels Midland Company. These meetings may have violated his commitment to recusing himself from particular matters related to former clients, within two years of his appointment. Lastly, it appears that Acting Administrator Wheeler may have failed to disclose Darling Ingredients, Inc. as a former client on his OGE 278 form, even though he registered as a lobbyist for the company.⁴ This could violate the Ethics in Government Act, resulting in a civil penalty.

Any Administrator of the EPA must be willing to wholly embrace the work and mission of the agency, accept the realities of climate change, understand the importance of non-politicized science, and be willing to maintain and enhance our country's position as a leader in global environmental protection efforts. Unfortunately, it seems that Acting Administrator Wheeler has instead joined the likes of former Administrator Scott Pruitt and many other industry insiders in this Administration who are riddled with conflicts of interest, while working to advance extreme agendas.

On January 16, 2019, in the midst of the longest government shutdown in U.S. history, our Republican colleagues scheduled the Acting Administrator's nomination hearing. We write to you now because potential violations of his Ethics Pledge should be considered with the same amount of urgency as his confirmation.

Possible ethics violations such as the ones outlined in this letter and the cozy relationships Acting Administrator Wheeler maintains with his former clients are not only an affront to the credibility of EPA, they are a threat to our health, environment, and future generations. A full understanding of the facts and circumstances involving his prior lobbying work is key to understanding whether he has violated his Ethics Pledge and statutory obligations.

³ Noah Bookbinder to Charles J. Sheehan, January 15, 2019, in author's possession. <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2019/01/15173745/2019-1-15-EPA-Andrew-Wheeler-Ethics-Pledge.pdf> (accessed January 23, 2019).

⁴ Clerk of the House of Representatives and Secretary of the Senate, "Lobbying Disclosure Act of 1995 (Section 5) for FaegreBD Consulting," Senate ID # 34158-1003339 (Washington, D.C., 2016), <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=6DEBD4B7-F9A1-4FF4-B502-68A068403D54&filingTypeID=62> (accessed January 23, 2019).

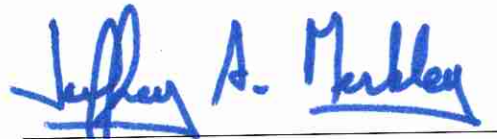
The American people deserve leaders that fight on their behalf, rather than ones that prioritize profits over people and our environment. In order to take concrete steps in attempt to repair the public's trust in the EPA, an agency that has recently been embroiled in turmoil and ethics scandals, we urge you to investigate potential violations of Acting Administrator Wheeler's Ethics Pledge as soon as possible.

Thank you for your attention to this important matter. We look forward to hearing from you.

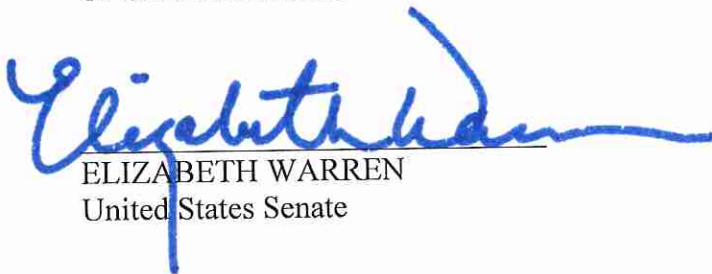
Sincerely,



RICHARD BLUMENTHAL
United States Senate



JEFFREY A. MERKLEY
United States Senate



ELIZABETH WARREN
United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
INSPECTOR GENERAL

February 5, 2019

MEMORANDUM

SUBJECT: Office of Inspector General Hotline Complaint 2019-0134

FROM: (b) (6) (b) (6)
Hotline Manager
Headquarters, Office of Inspector General

TO: Eric Hanger
Acting Counsel to the Inspector General
Office of Counsel

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a letter from the Citizens for Responsibility and Ethics in Washington (CREW), regarding "EPA Acting Administrator Andrew Wheeler's possible violations of the ethics pledge/Executive Order No. 13770."

I am forwarding this information for your office to review and to determine the correct response or action for the Office of Inspector General. If you have any further questions, please call me at (b) (6).

Attachment:

CREW | citizens for responsibility and ethics in washington

January 15, 2019

Charles J. Sheehan
Acting Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2410T)
Washington, DC 20460

Re: EPA Acting Administrator Andrew Wheeler's Possible Violations of the
Ethics Pledge/Executive Order No. 13770

Dear Mr. Sheehan:

Upon his appointment to the Environmental Protection Agency ("EPA"), Acting Administrator Andrew Wheeler signed an Ethics Pledge as a condition of his appointment that committed him to undertake certain recusals to avoid the appearance that former clients are given privileged access and influence.¹ Citizens for Responsibility and Ethics in Washington ("CREW") respectfully requests that the Office of Inspector General ("OIG") investigate whether Acting Administrator Wheeler violated his Ethics Pledge by participating in the following matters:

- (1) Coal combustion residuals ("CCR", also known as coal ash) regulations and the Affordable Clean Energy ("ACE") rule, two separate particular matters on which he appears to have lobbied for his former client Murray Energy;
- (2) Meetings held in May and June 2018 with his former clients Darling Ingredients, Inc. ("Darling"), Growth Energy, and the Archer Daniels Midland Company, during his two-year recusal period; and
- (3) The renewable fuel standard ("RFS") program, a particular matter on which he previously was registered to lobby for Darling.

The Ethics Pledge bars Mr. Wheeler, as a former registered lobbyist, from participating for two years in any "particular matter" on which he lobbied within two years of his appointment or "in the specific issue area in which that particular matter falls."² It also prohibits him from participating for two years in any "particular matter involving specific parties" in which a former client is directly and substantially involved, including any meetings that are not "open to all interested parties."³ By participating in these matters within the two-year recusal period, Mr. Wheeler may have violated his Ethics Pledge.

¹ Executive Order No. 13770, Ethics Commitments by Executive Branch Appointees, Jan. 28, 2017; Andrew F. Wheeler Certification of Ethics Agreement Compliance, at 3, June 1, 2018, available at <http://altgov2.org/wp-content/uploads/Wheeler-EA-Certification-1-of-1.pdf>.

² Executive Order No. 13770, sec. 1, para. 7.

³ *Id.*, sec. 1, para. 6.

Mr. Wheeler's involvement in these matters also gives rise to the appearance of a lack of impartiality, which critically undermines the agency's integrity in carrying out these programs and operations. As a result, unless he was authorized to participate, his involvement violated his ethical obligations under the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards of Conduct").⁴

In addition, Mr. Wheeler's relationship with Darling should be investigated to determine whether he violated the Ethics in Government Act by failing to report Darling as a source of compensation on his public financial disclosure report ("OGE Form 278").⁵

As a senior government official and acting head of an executive branch agency, Mr. Wheeler is held to the highest standards of ethical conduct. Yet Mr. Wheeler's meetings and regulatory activities in furtherance of his former clients' interests give rise to the appearance of privileged access and influence and undermines the very purpose of the Ethics Pledge.

Potential Violations

Prior to joining the EPA as Deputy Administrator in April 20, 2018,⁶ Mr. Wheeler was a principal at Faegre Baker Daniels Consulting ("Faegre"), where, according to his Faegre profile, he represented clients before Congress, the EPA, and the Departments of Energy and Transportation.⁷ As discussed below, Mr. Wheeler served as a registered lobbyist for some clients and provided strategic advice and counseling to others. By participating in matters at the EPA on which he previously lobbied and that involved his former clients, Mr. Wheeler may have violated the Ethics Pledge and other ethics rules.

Executive Order No. 13770 – the Ethics Pledge

Under Executive Order No. 13770, as a condition of appointment, all executive branch appointees must sign an Ethics Pledge obligating them to certain ethical requirements and prohibitions.⁸ Two provisions of the pledge are relevant here.

Paragraph 6 the Ethics Pledge prohibits appointees from participating "in any particular matter involving specific parties" that is directly and substantially related to his or her former employer or former clients for two years after appointment.⁹ A "former client" is defined as "any person for whom the appointee served personally as agent, attorney, or consultant with the 2

⁴ 5 C.F.R. § 2635.101(b)(14); 5 C.F.R. § 2635.502(a)(2), (d).

⁵ 5 U.S.C. app § 102(a)(6)(B); 5 C.F.R. § 2634.308(b)(6).

⁶ EPA Press Release, U.S. Senate Confirms Andrew Wheeler to Serve as Deputy EPA Administrator, Apr. 12, 2018, available at <https://www.epa.gov/newsreleases/us-senate-confirms-andrew-wheeler-serve-deputy-epa-administrator>; EPA website, Calendar for Andrew Wheeler, Acting Administrator, available at <https://bit.ly/2FpRojd> (asserting Mr. Wheeler "has served as Deputy Administrator from April 20, 2018").

⁷ Faegre Baker Daniels website, Andrew R. Wheeler Principal - Faegre Baker Daniels Consulting, archived and available at <https://bit.ly/2GIPVvZ>.

⁸ Executive Order No. 13770, sec. 1; Office of Government Ethics Memorandum DO-09-011, Mar. 26, 2009, available at <https://bit.ly/2EyPJXI>.

⁹ Executive Order No. 13770, sec. 1, para. 6.

years prior to the date of his or her appointment.”¹⁰ Under the pledge, a “particular matter involving specific parties” both incorporates the longstanding interpretation of that term reflected in 5 C.F.R. § 2641.201(h) and expands the term’s scope to include “any meeting or other communication relating to the performance of [the appointee’s] official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.”¹¹ The purpose of this expansion, according to the Office of Government Ethics (“OGE”), “is to address concerns that former employers and clients may appear to have privileged access, which they may exploit to influence an appointee out of the public view.”¹²

To be “open to all interested parties,” there must be a multiplicity of stakeholders present representing a diversity of viewpoints and not the same united perspective. OGE has explained that “common sense” demands “reasonable limits” be placed on the term’s meaning since “meeting spaces are typically limited, and time and other practical considerations also may constrain the size of meetings.”¹³ While these “meetings do not have to be open to every comer,” they “should include a multiplicity of parties.”¹⁴ In this regard, EPA ethics officials specifically advised Mr. Wheeler that when a former client is present at a meeting, “at least four other parties” should also be present to “ensure that a diversity of viewpoints is represented” and “not the same united perspective.”¹⁵

Paragraph 7 of the Ethics Pledge (“Lobbyist Ban”) imposes additional restrictions on appointees who were registered lobbyists within two years of their appointment.¹⁶ A former lobbyist appointee may not, for a period of two years after his or her appointment, “participate in any particular matter on which [the appointee] lobbied within 2 years before the date of [his or her] appointment or participate in the specific issue area in which that particular matter falls.”¹⁷ “Lobbied” here means to have “acted as a registered lobbyist.”¹⁸ Under the Lobbying Disclosure Act (“LDA”), lobbying activities include, among other things, communications with a covered executive branch official with regard to formulation, modification, or adoption of federal legislation or regulations, and the administration or execution of a federal program or policy.¹⁹

¹⁰ *Id.*, sec. 2(i).

¹¹ *Id.*, sec. 2(s).

¹² OGE Memorandum DO-09-011. *See also* OGE Legal Advisory LA-17-03 (Mar. 20, 2017) (“OGE’s prior guidance on Executive 13490 [President Obama’s Ethics Pledge] is applicable to Executive Order 13770 to the extent that it addresses language common to both executive orders.”).

¹³ OGE Memorandum DO-09-011.

¹⁴ *Id.*

¹⁵ Memorandum from Andrew R. Wheeler to E. Scott Pruitt, May 24, 2018, at 2 (“Wheeler Recusal Statement”), available at <https://wapo.st/2Bw7m7i>.

¹⁶ Executive Order No. 13770, sec. 1, para. 7. A “registered lobbyist” under the Ethics Pledge is a lobbyist who registered under the Lobbying Disclosure Act, 2 U.S.C. § 1603, or is named as a lobbyist in an organization’s lobbying registration. Executive Order No. 13770, sec. 2(w).

¹⁷ *Id.*, sec. 1, para. 7.

¹⁸ *Id.*, sec. 2(m).

¹⁹ 2 U.S.C. § 1602(7), (8).

The Ethics Pledge also permits the President or his designee to grant a waiver from the restrictions.²⁰

Murray Energy – Failure to recuse from CCR regulations

Mr. Wheeler appears to have violated his Ethics Pledge by failing to recuse from coal combustion residuals regulations (“CCR”) after having lobbied on those regulations.

As a registered lobbyist at Faegre, Mr. Wheeler’s highest-paying client was coal producer Murray Energy,²¹ which paid Faegre nearly \$3 million over an eight-year period from 2009 to September 2017, primarily for Mr. Wheeler’s lobbying services.²² During most of that time, including the two-year period prior to Mr. Wheeler joining the EPA, Faegre filed lobbying disclosure reports that covered Mr. Wheeler’s lobbying activity for Murray Energy on “general energy and environmental issues.”²³

Apparently as part of his representation of Murray Energy, Mr. Wheeler arranged for and personally attended a March 29, 2017 meeting for Murray Energy with Energy Secretary Rick Perry.²⁴ At the meeting, Murray Energy CEO Robert E. Murray presented Secretary Perry with an action plan with specific recommendations to roll back regulations and protect coal plants competing with other fuel suppliers.²⁵ The first item listed on that action plan called for CCR regulations promulgated in 2015 to be “suspended,” and proposed that the CCR regulations “be rewritten delegating the authority to the states.”²⁶ Mr. Murray also gave Secretary Perry a group of proposed executive orders for President Trump to sign, including one that would have

²⁰ *Id.*, sec. 3.

²¹ Steven Mufson, *Scott Pruitt’s likely successor has long lobbying history on issues before the EPA*, *Washington Post*, July 5, 2018, available at <https://wapo.st/2L8srce>.

²² Lisa Friedman, *Andrew Wheeler, New E.P.A. Chief, Details His Energy Lobbying Past*, *New York Times*, Aug. 1, 2018, available at <https://www.nytimes.com/2018/08/01/climate/andrew-wheeler-epa-lobbying.html>; FaegreBD Consulting, *First Quarter 2009-Third Quarter 2017 Lobbying Disclosure Report on behalf of Murray Energy*, available at <https://soprweb.senate.gov/index.cfm?event=selectFields&reset=1> (search for Registrant Name = Faegre, Client Name = Murray Energy, and Lobbyist Name = Wheeler).

²³ FaegreBD Consulting, *First Quarter 2016-Third Quarter 2017 Lobbying Disclosure Reports on behalf of Murray Energy*. See 2 U.S.C. §1604(a).

²⁴ Mufson, *Washington Post*, July 5, 2018; Hannah Northey and Christa Marshall, *Oil, coal dominated Perry’s early calendar — documents*, *E&E News*, Aug. 21, 2018, available at <https://bit.ly/2Ql5Kr2>. Documents obtained by *E&E News* (“E&E Documents”) establish that Mr. Wheeler facilitated the meeting by sending emails, which included his and others’ biographical information, in preparation for it. E&E Documents, at 4-6, available at <https://bit.ly/2Gbt2uW>.

²⁵ See *Action Plan for Reliable and Low Cost Electricity in America and to Assist in the Survival of Our Country’s Coal Industry*, Enclosed by Letter from Robert E. Murray to Secretary J. Richard Perry, Mar. 28, 2017 (“Action Plan”), E&E Documents, at 17-58; Friedman, *New York Times*, Aug. 1, 2018 (Mr. Murray “delivered his proposals” at the March 2017 meeting); Steve Mufson, *An American energy plan straight from coal country*, *Washington Post*, Dec. 8, 2017 (Mr. Murray “presented a four-page ‘action plan’ to rescue the coal industry” at the meeting), available at <https://wapo.st/2sepezk>; Nadia Kounang, *With EPA rule change, worries linger for those near coal ash ponds*, *CNN*, July 21, 2018, available at <https://www.cnn.com/2018/07/21/health/epa-coal-ash-reaction/index.html>.

²⁶ Action Plan, E&E Documents, at 18.

suspended the CCR regulations and required the EPA and other executive departments to review the rules and consider whether the CCR regulations should delegate authority to the states.²⁷

On October 5, 2017, President Trump announced his intent to nominate Mr. Wheeler as EPA Deputy Administrator.²⁸ He was subsequently confirmed by the Senate on April 12, 2018,²⁹ and began work at EPA on April 20, 2018.³⁰ President Trump appointed Mr. Wheeler to be Acting Administrator on July 5, 2018, following his predecessor's resignation.³¹

In July 2018, Acting Administrator Wheeler signed his first major EPA rule by relaxing standards for storing coal ash.³² Relevant portions of the CCR regulations, at 40 C.F.R. §§ 257.50-257.107, were amended to give states the ability to regulate coal ash disposal programs, consistent with Murray Energy's request. The new rule gives states "flexibility to tailor disposal requirements based on site-specific considerations" and to allow them "to stop monitoring groundwater where there is no potential for contaminants to migrate to uppermost aquifers," and "delay[s] the timeline for shutting down existing coal ash storage pits in certain cases including when operators are unable to comply with placement restrictions."³³

Acting Administrator Wheeler's participation in the CCR regulations appears to have violated the Lobbyist Ban provisions of the Ethics Pledge. There is no question that Mr. Wheeler was a registered lobbyist within the two years before he was appointed EPA Deputy Administrator. The facts further indicate that Mr. Wheeler lobbied on the CCR regulations in March 2017. While a registered and highly-paid lobbyist for Murray Energy, working specifically on "energy and environmental issues," Mr. Wheeler arranged for and attended the March 29, 2017 meeting with Secretary Perry. At that meeting, Murray Energy's action plan, which listed amending the CCR regulations as its first priority, and the similar proposed executive order, were presented to Secretary Perry. The timing alone strongly suggests that the action plan and proposed executive order were integral to the meeting and very likely was intended to serve as a basis for, or supplement to, the discussion. In addition, Mr. Wheeler may have communicated with Department of Energy and/or other officials about the CCR regulations at this time. Considering Mr. Wheeler's position and involvement, it is highly likely he lobbied on the CCR regulations in March 2017.³⁴

²⁷ *Id.* at 28-29, 42-44.

²⁸ EPA Press Release, Andrew Wheeler Nominated as EPA Deputy Administrator, Oct. 5, 2017, available at <https://bit.ly/2hNlxJY>.

²⁹ EPA Press Release, Apr. 12, 2018.

³⁰ EPA website, Calendar for Andrew Wheeler, Acting Administrator.

³¹ Sophie Tatum, A former coal lobbyist is the new leader of the EPA, CNN, July 5, 2018, available at <https://www.cnn.com/2018/07/05/politics/andrew-wheeler-epa/index.html>.

³² Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteria (Phase One, Part One), Final Rule, 83 Fed. Reg. 36,435 (July 7, 2018); Nadia Kounang, EPA rolls back Obama-era coal ash regulations, CNN, July 18, 2018, available at <https://www.cnn.com/2018/07/18/health/epa-coal-ash-standards-bn/index.html>.

³³ Tracie Mauriello, EPA relaxes rules on coal ash; environmentalists decry the move, Pittsburgh Post-Gazette, July 18, 2018, available at <https://bit.ly/2SDj3zT>.

³⁴ Responding to news reports questioning his role as a coal lobbyist, Mr. Wheeler "distanced himself" from the Murray Energy action plan memo and the proposed executive order, saying that he only saw an early version of the memo and had no role in writing it, and that he did not work on the executive order. Friedman, *New York Times*,

There also is little doubt that the CCR regulations are covered under the Lobbyist Ban as a “particular matter” or a “specific issue area in which that particular matter falls.”³⁵ The CCR rules are a “particular matter of general applicability”³⁶ that focus on the coal industry as part of a discrete and identifiable class of persons.³⁷ As a result, they fall within the definition of a “specific issue area” under OGE’s guidance providing that term means a “particular matter of general applicability.”³⁸ In addition, even if Mr. Wheeler only lobbied on one part of the CCR regulations, he is recused from working on any part of them. An example given in OGE’s Ethics Pledge guidance makes clear that lobbying on a specific section of a proposed regulation bars a former lobbyist from working on the entire regulation for two years:

An appointee was a registered lobbyist during the two-year period before she entered government. In that capacity, she lobbied her agency against a proposed regulation focused on a specific industry. Her lobbying was limited to a specific section of the regulation affecting her client. Her recusal obligation as an appointee is not limited to the section of the regulation on which she lobbied, nor is it limited to the application of the regulation to her former client. Instead, she must recuse for two years from development and implementation of the entire regulation, subsequent interpretation of the regulation, and application of the regulation in individual cases.”³⁹

As a result of his apparent lobbying, Mr. Wheeler’s should have recused from participating in the CCR regulations for two years after he was appointed to the EPA on April 20, 2018. However, he participated in them just three months later when he signed the CCR amendments on July 17, 2018, likely violating his Ethics Pledge.⁴⁰

Aug. 1, 2018. Even if this is true, it does not mean Mr. Wheeler did not lobby on the CCR regulations in March 2017, for the same reasons discussed above.

³⁵ Executive Order No. 13770, sec. 1, para. 7.

³⁶ See OGE Legal Advisory LA-17-03, at 2, Mar. 20, 2017, available at <https://bit.ly/2T3jOme> (“OGE has issued guidance distinguishing two types of particular matters: ‘particular matters involving specific parties and ‘particular matters of general applicability.’ . . . The latter is broader than the former.”)

³⁷ Executive Order No. 13770, sec. 2(r) (citing 18 U.S.C. § 208 and 5 C.F.R. § 2635.402(b)(3), which defines “particular matters” as “matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. Such a matter is covered by this subpart even if it does not involve formal parties and may include governmental action such as legislation or policy-making that is narrowly focused on the interests of such a discrete and identifiable class of persons.”).

³⁸ OGE Legal Advisory LA-17-03, at 1 (“The Counsel to the President’s office has advised OGE that, as used in Executive Order 13770, the term ‘specific issue area’ means a ‘particular matter of general applicability,’ and OGE has accepted the Administration’s interpretation of this term.”).

³⁹ *Id.* at 2.

⁴⁰ While the Ethics Pledge authorizes a waiver of these restrictions, Mr. Wheeler and EPA’s senior ethics counsel said he has not sought or received any ethics waivers. Friedman, *New York Times*, Aug. 1, 2018. The absence of Mr. Wheeler’s name on the online list of waiver recipients maintained by OGE further shows he has not received any Ethics Pledge waivers. See [https://www.oge.gov/web/oge/nsf/Agency+Ethics+Pledge+Waivers+\(EO+13770\)](https://www.oge.gov/web/oge/nsf/Agency+Ethics+Pledge+Waivers+(EO+13770)).

Murray Energy – Failure to recuse from ACE regulations

Mr. Wheeler also may have violated his Ethics Pledge by failing to recuse from the Affordable Clean Energy (“ACE”) regulations proposed to replace the Clean Power Plan (“CPP”) after having lobbied on those regulations on behalf of Murray Energy in March 2017.

Murray Energy had long opposed the Obama administration’s implementation of the CPP, including in litigation that resulted in the Supreme Court staying implementation of the CPP pending judicial review.⁴¹ In a November 1, 2016 letter to the EPA, for example, Mr. Murray argued that EPA’s efforts to implement the Clean Power Plan were “illegal” and “would impose draconian standards on the coal industry.”⁴² In addition, similar to the action plan presented to Secretary Perry, Murray Energy sent an action plan to Vice President Michael Pence on March 1, 2017 calling for the CPP to be “eliminated” as its top priority.⁴³

Throughout this period, Mr. Wheeler was registered to lobby for Murray Energy on “energy and environmental issues,” and has “acknowledged helping Mr. Murray oppose” the CPP.⁴⁴ Given his prominent lobbying role, which continued through September 2017, and the extraordinary efforts and priority Murray Energy placed on eliminating the CPP, it is likely that Mr. Wheeler was involved in lobbying efforts to eliminate the CPP, possibly including the development of the March 1, 2017 action plan sent to Vice President Pence. In addition, the CPP is a particular matter of general applicability covered by the Ethics Pledge because it focuses on the coal industry as part of a discrete and identifiable class of persons. As a result, Mr. Wheeler should have recused from the particular matter of the CPP and in the CPP’s specific issue area through April 20, 2020.

On August 20, 2018, Acting Administrator Wheeler signed a proposed rule to replace the CPP with revised emissions guidelines – the ACE rule.⁴⁵ EPA’s proposal to replace the CPP with the ACE rule was consistent with the Murray Energy action plan sent to Vice President Pence.

Despite acknowledging his work helping Mr. Murray oppose the CPP, Mr. Wheeler “maintained, however, that he is not obligated to recuse himself from working on a plan to replace that regulation.”⁴⁶ Mr. Wheeler’s attempted distinction makes little sense. Because the ACE rule is, according to EPA, “a proposal to replace to replace [CPP] with revised emissions guidelines,”⁴⁷ it is the same particular matter on which Mr. Wheeler likely lobbied or in the same specific issue area as CPP.

⁴¹ *West Virginia v. EPA*, No. 15A773, Order in Pending Case (S. Ct. Feb. 9, 2016), available at https://www.supremecourt.gov/orders/courtorders/020916zr_21p3.pdf.

⁴² Letter from Murray Energy Assistant General Counsel Jason D. Witt to EPA Administrator Gina McCarthy, Nov. 1, 2016, available at <https://bit.ly/2GqxiH5>.

⁴³ Murray Energy’s ‘Action Plan’ for the Trump Administration, *New York Times*, Jan. 9, 2018, available at <https://nyti.ms/2FmfR5Z>.

⁴⁴ Friedman, *New York Times*, Aug. 1, 2018.

⁴⁵ 82 Fed. Reg. 44,746 (Aug. 31, 2018).

⁴⁶ Friedman, *New York Times*, Aug. 1, 2018.

⁴⁷ 82 Fed. Reg. 44,746 (Aug. 31, 2018). The proposed regulations refer to the CPP dozens of times.

Accordingly, an investigation is warranted to determine the full extent of Mr. Wheeler's involvement in the action plan sent to Vice President Pence or similar lobbying activities in support of Murray Energy's efforts to eliminate the CPP while serving as a registered lobbyist for Murray Energy. If Mr. Wheeler was involved in those lobbying activities, he was prohibited by the Lobbyist Ban from signing the proposed rule to replace the CPP with the ACE rule, and likely violated the ban when he did.

Darling Ingredients, Inc. – Failure to recuse from RFS regulations and from June 26, 2018 meeting with former client

Mr. Wheeler further may have violated his Ethics Pledge by failing to recuse from renewable fuel standard ("RFS") regulations after having lobbied on those regulations, and by participating in a June 26, 2018 meeting with Darling Ingredients, Inc., his former client.

In 2015 and 2016, Mr. Wheeler was registered as a lobbyist for Darling,⁴⁸ a biodiesel producer that "recovers and converts used cooking oil and animal fats, and residual bakery produces into valuable feed and fuel ingredients."⁴⁹ Faegre filed five lobbying disclosure reports in those years disclosing \$270,000 in payments by Darling for Mr. Wheeler and two other Faegre employees to lobby Congress on "renewable fuel standard; renewable diesel and bio-diesel tax incentives."⁵⁰

It is not fully clear when Mr. Wheeler stopped lobbying for Darling on RFS and when Darling stopped being his client. Faegre's Second Quarter 2016 disclosure report for its lobbying on Darling's behalf, filed with the Secretary of the Senate and the Clerk of the House of Representatives, represented that the termination date for Mr. Wheeler and the other lobbyists was May 31, 2016.⁵¹ One news report, however, stated that Darling "ended their financial relationship" with Mr. Wheeler's firm "before April 2016."⁵²

Ascertaining the correct date or dates is critical to determining whether Mr. Wheeler violated his Ethics Pledge. If Darling was Mr. Wheeler's client within two years of his appointment on April 20, 2018, under Paragraph 6 of the Ethics Pledge he should not have participated in any meetings with Darling until April 20, 2020 unless the meeting was open to all interested parties. But if Darling stopped being his client before April 20, 2016, that restriction would not apply. Similarly, if Mr. Wheeler lobbied on RFS within two years of his appointment on April 20, 2018, under Paragraph 7 of the Ethics Pledge, the Lobbyist Ban, he should have recused from participating in the particular matter of RFS and in RFS's specific issue area until

⁴⁸ Corbin Hiar, *Despite his assurances, Wheeler met with former clients*, *E&E News*, July 26, 2018, available at <https://www.eenews.net/stories/1060091287>.

⁴⁹ Darling Ingredients, Inc., *Yahoo! Finance*, Dec. 7, 2018, available at <https://finance.yahoo.com/quote/DAR/>.

⁵⁰ FaegreBD Consulting, *Second Quarter 2015-Second Quarter 2016 Lobbying Disclosure Act Reports on behalf of Darling International Inc.*, available at <https://soprweb.senate.gov/index.cfm?event=selectFields&reset=1> (search for Registrant Name = Faegre, Client Name = Darling, and Lobbyist Name = Wheeler).

⁵¹ FaegreBD Consulting, *Second Quarter 2016 and Termination Lobbying Disclosure Act Report on behalf of Darling International Inc.*, available at <https://bit.ly/2SY883R>.

⁵² Juliet Eilperin, *EPA chief Andrew Wheeler's past lobbying ties attract scrutiny*, *Washington Post*, July 29, 2018, available at <https://wapo.st/2ruHioz>.

April 20, 2020. Again, if Mr. Wheeler stopped lobbying on RFS before April 20, 2016, he would not be bound by these Lobbying Ban restrictions.

On June 26, 2018 Mr. Wheeler participated in a “stakeholder meeting” at EPA with Darling.⁵³ As discussed above, Paragraph 6 of the Ethics Pledge prohibits appointees from participating in a meeting with a former client – meaning a client within the two years before the date of appointment⁵⁴ – unless the meeting is open to all interested parties.⁵⁵ As this meeting with Darling apparently was not open to any other interested parties, an investigation is necessary to ascertain the correct date on which Darling stopped being Mr. Wheeler’s client. If Mr. Wheeler provided personal services to Darling within two years of his appointment, he likely violated Paragraph 6 of his Ethics Pledge by participating in a meeting with a former client.⁵⁶

Mr. Wheeler also may have violated the Lobbying Ban by participating in the RFS particular matter or specific issue area within two years of his appointment by signing two final rules for EPA involving the RFS program. On July 24, 2018, Mr. Wheeler signed a final rule determining that certain biodiesel and heating oil produced from sorghum oil would meet the emissions reduction threshold required for advanced biofuels and biomass-based diesel under the RFS program.⁵⁷ On November 30, 2018, Mr. Wheeler signed a final rule establishing the renewable fuel percentage for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in the year 2019.⁵⁸ In addition, because the RFS program focuses on obligated parties (meaning fuel refiners and importers) and renewable fuel producers as a discrete and identifiable class of persons,⁵⁹ the program is a “particular matter of general applicability.”⁶⁰

As a result, an investigation is necessary to establish the correct date on which Mr. Wheeler stopped lobbying on the RFS program. If he lobbied on the RFS program within two years of his appointment, he likely violated the Lobbying Ban by signing the two EPA rules involving the RFS program.

⁵³ Hiar, *E&E News*, July 26, 2018.

⁵⁴ Executive Order No. 13770, sec. 1, para. 6; *id.*, sec. 2(i).

⁵⁵ *Id.*, sec. 2(s).

⁵⁶ When questioned in July 2018 about the meeting with Darling, an EPA spokesperson responded that it did not present “any pledge issue for Mr. Wheeler” because Darling was not included on his recusal statement. Hiar, *E&E News*, July 26, 2018; see Wheeler Recusal Statement, at 2. The accuracy of the recusal list in Mr. Wheeler’s recusal statement, however, depends on ascertaining the correct date on which Darling stopped being his client.

⁵⁷ 83 Fed. Reg. 37,735 (Aug. 2, 2018).

⁵⁸ 83 Fed. Reg. 63,704 (Dec. 11, 2018).

⁵⁹ See EPA website, Renewable Fuel Standard Program, available at <https://www.epa.gov/renewable-fuel-standard-program/renewable-fuel-standard-exemptions-small-refineries>.

⁶⁰ See Memorandum from Robert I. Cusick, Director, U.S. Office of Government Ethics, to Designated Agency Ethics Officials, “Particular matter Involving Specific Parties,” “Particular Matter,” and “Matter,” DO-06-029, Oct. 4, 2006, at 7, available at <https://bit.ly/2CoHnA4>.

Growth Energy – Failure to recuse from June 26, 2018 meeting

Mr. Wheeler similarly may have violated his Ethics Pledge by failing to recuse from a separate June 26, 2018 meeting. That meeting included Growth Energy, another former client, and also involved the RFS program Mr. Wheeler previously lobbied on.

Growth Energy is a biofuel trade association that represents “producers and supporters of ethanol” fuel.⁶¹ On his OGE Form 278 public financial disclosure report, Mr. Wheeler reported Growth Energy as a former client and source of compensation for whom he provided “strategic advice and counseling.”⁶²

After being confirmed, Mr. Wheeler attended a meeting on June 26, 2018 with the CEO of Growth Energy, along with approximately nine other members of the Fuel America coalition.⁶³ Fuel America requested the meeting with Mr. Wheeler to discuss the “timing/importance of the 2019 renewable volume obligations” and to express their “unified support for a strong renewable fuel standard.”⁶⁴

Because Growth Energy is Mr. Wheeler’s former client, he should have recused from the meeting under Paragraph 6 of the Ethics Pledge. When questioned about the meeting, an EPA spokesman asserted Mr. Wheeler was permitted to attend because “he is allowed to attend group meetings where his former clients may be in attendance if four or more parties are represented with a diversity of viewpoints, which was the case with this meeting, as every individual in the room had a difference of opinion on the [RFS].”⁶⁵ However, as detailed above, for a meeting to be “open to all interested parties” there must be a multiplicity of stakeholders present representing a diversity of viewpoints and not the same united perspective.⁶⁶

Despite the EPA spokesman’s claim, Growth Energy was part of a “united” coalition meeting expressing “unified support” of a strong renewable fuel standard, and the attendees represented the very type of united perspective that EPA ethics officials advised against. Accordingly, the meeting did not satisfy the requisite for “a diversity of viewpoints,” even if four or more parties attended and they purportedly had some differences on the RFS. Mr. Wheeler’s

⁶¹ Growth Energy website, About Us page, available at <https://growthenergy.org/about-us/>.

⁶² Andrew Wheeler, Public Financial Disclosure Report, part 4, item 9, Aug. 12, 2017 (“Wheeler Public Financial Disclosure Report”), available at <https://bit.ly/2GbM6ct>. Filers are required to disclose clients from the prior two calendar years and the calendar year of filing, meaning that Growth Energy could have been Mr. Wheeler’s client from anytime between January 1, 2015 and August 12, 2017, the date he signed and submitted his OGE Form 278. See OGE, Public Financial Disclosure Guide, Your Sources of Compensation Exceeding \$5,000 in a Year, available at <https://bit.ly/2wXCbCA>. However, Mr. Wheeler listed Growth Energy on his recusal statement, indicating Growth Energy was his client within two years of his date of appointment. See Wheeler Recusal Statement, at 2.

⁶³ Corbin Hiar and Kevin Bogardus, *Wheeler’s private calendar reveals recused client contacts*, *E&E News*, Sept. 12, 2018, available at <https://www.eenews.net/stories/1060096733>; accompanying documents available at <https://bit.ly/2PRtkqz>.

⁶⁴ *Id.*

⁶⁵ *Id.*; see also Wheeler Recusal Statement, at 2.

⁶⁶ *Id.*

participation in the June 26, 2018 meeting therefore likely violated paragraph 6 of the Ethics Pledge under the Executive Order.

In addition, Growth Energy and other members of the Fuel America coalition requested the meeting to discuss “renewable volume obligations” and their support for strong “renewable fuel standards” – the same particular matter or specific issue area on which he previously lobbied as a registered lobbyist for Darling Ingredients. As with his other June 26, 2018 meeting with Darling, an investigation is necessary to determine the correct date that Mr. Wheeler stopped lobbying on the RFS program. If he lobbied on it within two years before his appointment, he likely violated the Lobbying Ban by participating in the meeting with Growth Energy.

Archer Daniels Midland Company – Failure to recuse from May 24, 2018 meeting

Mr. Wheeler further may have violated his Ethics Pledge by failing to recuse from a May 24, 2018 meeting with the Archer Daniels Midland Company (“ADM”), another former client.

ADM is an ethanol producer that “procures, transports, stores, processes, and merchandises agricultural commodities, products, and ingredients in the United States and internationally.”⁶⁷ On his OGE Form 278, Mr. Wheeler reported ADM as a source of compensation for whom he provided “strategic advice and counseling.”⁶⁸ As with Growth Energy, that listing means ADM could have been Mr. Wheeler’s client from anytime between January 1, 2015 and August 12, 2017. Mr. Wheeler did not list ADM on his recusal statement as a former client,⁶⁹ implying he does not believe ADM was a client within two years of his appointment, and ADM suggested that Mr. Wheeler’s work “occurred sometime in 2015.”⁷⁰ Nevertheless, it is not known for how long Mr. Wheeler provided consulting services to ADM based on publicly available information.

After being confirmed, Mr. Wheeler attended a meeting on May 24, 2018, with ADM and two other ethanol producers, POET LLC and Green Plains, Inc.⁷¹ According to an ADM spokesperson, the focus of the meeting was on the renewable fuel standard program.⁷² Here, again, an investigation to ascertain the correct date on which ADM stopped being Mr. Wheeler’s client is necessary. Because ADM was one of only three ethanol producers that attended the meeting with Mr. Wheeler, the meeting lacked the requisite number of attendees and diversity of viewpoints that EPA ethics officials said were necessary to meet the Ethics Pledge requirements. As a result, if ADM was Mr. Wheeler’s client within two years of his appointment, he likely violated Paragraph 6 of his Ethics Pledge by participating in a meeting with a former client.

In addition, the focus of the meeting with ADM was on the RFS program – again, the same particular matter or specific issue area on which he previously lobbied as a registered

⁶⁷ Archer Daniels Midland Co., *Yahoo! Finance*, Dec. 7, 2018, available at <https://finance.yahoo.com/quote/ADM/>.

⁶⁸ Wheeler Public Financial Disclosure Report, part 4, item 11.

⁶⁹ See Wheeler Recusal Statement, at 2.

⁷⁰ Hiar, *E&E News*, July 26, 2018 (see clarification).

⁷¹ *Id.*

⁷² *Id.*

lobbyist for Darling Ingredients. As with his meetings with Darling and Growth Energy, if Mr. Wheeler lobbied on the RFS program within two years before his appointment, he likely violated the Lobbying Ban by participating in the ADM meeting.

Standards of Ethical Conduct for Employees of the Executive Branch – 5 C.F.R. § 2635.502

All of the above suggests that Mr. Wheeler may also have undermined the agency's integrity when he participated in meetings with his former clients and in particular matters and specific issue areas on which he previously lobbied. Federal employees are instructed to avoid any actions creating the appearance that they are violating the law or ethical standards.⁷³ Moreover, under the Standards of Conduct, federal employees have an express obligation to seek authorization before participating in particular matters involving specific parties involving a former client for one year, and are expected to use the same process in circumstances that do not necessarily involve specific parties, such as rulemakings, or that otherwise raise a question about the employee's impartiality.⁷⁴

Because the Ethics Pledge expressly prohibits political appointees like Mr. Wheeler from engaging in specific types of meetings and communications with their former clients, Mr. Wheeler was on notice that his meetings with his former clients, Darling, Growth Energy and ADM, would cause a reasonable person to question his impartiality under Paragraph 6 of the Ethics Pledge. Likewise, Mr. Wheeler was on notice that his participation in the RFS program, CCR regulations, and the proposed ACE rule would cause a reasonable person to question his impartiality under the Lobbyist Ban. In the absence of an authorization to participate,⁷⁵ Mr. Wheeler's involvement in these matters creates the appearance of a lack of impartiality that critically undermines the agency's integrity in carrying out these programs and operations and violated his ethical obligations.

Ethics in Government Act – 5 U.S.C. app. § 104

Lastly, Mr. Wheeler may have violated the Ethics in Government Act ("EIGA") by failing to disclose Darling Ingredients on his OGE Form 278.

⁷³ 5 C.F.R. § 2635.101(b)(14).

⁷⁴ 5 C.F.R. § 2635.502(a)(2) ("An employee who is concerned that circumstances under than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter."). See also Standards of Ethical Conduct for Employees of the Executive Branch, Proposed Rule, 56 Fed. Reg. 33,778, 33,786 (July 23, 1991) ("Notwithstanding the section's use of this concept [specific party matters] and its focus on specified relationships, questions about an employee's impartiality can arise from any number of interests or relationships an employee might have and in connection with his or her participation in matters that do not necessarily involve specific parties. Proposed 2635.502 therefore proves that an employee should use the process set forth in that section when circumstances other than those specifically described raise questions about his or her impartiality in the performance of official duties."); OGE DO-06-029, at 7, n.9 ("[A]n agency may require an employee to recuse from particular matters that do not involve specific parties, based on the concern that the employee's impartiality reasonably may be questioned under the circumstances.").

⁷⁵ 5 C.F.R. § 2635.502(d).

A nominee for a Senate-confirmed position is required by the EIGA to report a former client on Part 4 of his or her OGE Form 278 if the client was a source of compensation of more than \$5,000 in either the preceding two calendar years or during the current calendar year up to the date for filing.⁷⁶ If a filer knowingly and willfully fails to report any information that the EIGA requires be reported, he or she may be subject to a civil penalty of up to \$50,000.⁷⁷

According to Faegre's lobbying disclosure reports, Mr. Wheeler was a registered lobbyist for Darling from approximately April 2015 until May 31, 2016.⁷⁸ During that period, all of which was covered by Mr. Wheeler's OGE Form 278, the company paid Faegre \$270,000 for its lobbying services. Mr. Wheeler, however, did not report Darling as a client on his public financial disclosure report.⁷⁹

It is difficult to reconcile the lobbying income Faegre reported from Darling for Mr. Wheeler and a handful of other lobbyists in 2015 and 2016 and the absence of corresponding information about Darling as a source of compensation on Mr. Wheeler's OGE Form 278. Based on the information reported by Faegre, it is hard to imagine that Mr. Wheeler, a prominent member of his former firm, did not receive more than \$5,000 in compensation from his employer for personal services he provided to Darling during either calendar year 2015 or 2016. Accordingly, an investigation is needed to determine if Mr. Wheeler's services to Darling generated more than \$5,000 in income in either 2015 or 2016. If it did, Mr. Wheeler's omission of Darling from Part 4 of his OGE Form 278 likely violated the EIGA.

Conclusion

Before joining the EPA, Acting Administrator Wheeler spent years as a lobbyist and consultant for coal companies, energy producers, and others. To prevent even the appearance that government officials in Mr. Wheeler's position could take actions to benefit their former clients and providing them privileged access, the Ethics Pledge requires them to recuse from certain matters.

Mr. Wheeler's regulatory activities and meetings with his former clients, however, may have violated his Ethics Pledge and other rules. Mr. Wheeler's participation in amendments to the CCR regulations, the proposed rule to replace the Clean Power Plan with the ACE rule, and meetings and rulemaking involving the RFS program may violated the Lobbyist Ban under Paragraph 7 of his Ethics Pledge. In addition, Mr. Wheeler's meetings with his former clients Darling, Growth Energy, and ADM may have violated Paragraph 6 of his Ethics Pledge. Mr. Wheeler's involvement in these matters further gives rise to the appearance of a lack of impartiality that critically undermines the agency's integrity in carrying out its programs and operations; accordingly, it violates his ethical obligations and may have violated the Standards of

⁷⁶ 5 U.S.C. app. § 102(a)(6)(B); 5 C.F.R. § 2634.308(b)(6).

⁷⁷ 5 U.S.C. app. § 104(a).

⁷⁸ FaegreBD Consulting, *Second Quarter 2016 and Termination Lobbying Disclosure Act Report on behalf of Darling International Inc.*, available at <https://bit.ly/2SY883R>. As noted above, one news report indicates that Darling ended its financial relationship with Faegre before April 2016.

⁷⁹ Wheeler Public Financial Disclosure Report, Part 4.

Hon. Charles J. Sheehan
January 15, 2019
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Conduct. In addition, his failure to disclose Darling as a source of compensation on his OGE Form 278 may have violated his disclosure obligations under the Ethics in Government Act.

CREW therefore requests that your office investigate whether Mr. Wheeler violated the Ethics Pledge and take any necessary disciplinary action. Thank you for your attention to this matter.

Sincerely,



Noah Bookbinder
Executive Director

cc: Hon. John Barrasso, Chairman, and Hon. Thomas R. Carper, Ranking Member,
Senate Committee on Environment and Public Works

From: (b) (6), (b) (7)
To: (b) (6), (b) (7)(C)
Subject: RE: Hotline 2019-0045 Referral
Date: Tuesday, November 20, 2018 8:50:07 AM

Good morning,

I discussed with (b) (6), OPR will take this one for action.
(6)

From: (b) (6), (b) (7)
Sent: Friday, November 16, 2018 6:14 PM
To: (b) (6), (b) (7)(C) @epa.gov>; (b) (6), (b) (7)(C) @epa.gov>;
(b) (6), (b) (7)(C) @epa.gov>; (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) r@epa.gov>
Subject: Hotline 2019-0045 Referral

Good Evening Everyone,

Attached is Hotline Referral 2019-0045 for your review.

Thank you!

(b) (6)

(b) (6)

Special Agent

(b) (6)

U.S. EPA Office of Inspector General – Office of Investigations

[1200 Pennsylvania Avenue NW](#) (MC 2431T)

[Washington, DC 20460](#)

Office (b) (6)

Cell: (b) (6)

From: [OIGCounsel](#)
To: (b) (6)
Subject: Re: Hotline 2019-0105 Referral
Date: Monday, January 28, 2019 11:01:33 AM

Hi (b) (6)

Hotline 2019-0105 does not present an allegation for review by the OIG.

(b) (5)

[Redacted]

As discussed above, this hotline can be closed.

-(b) (6)

From: (b) (6)
Sent: Friday, January 4, 2019 11:51 AM
To: OIGCounsel; (b) (6)
Subject: Hotline 2019-0105 Referral

Good Morning All,

Attached is Hotline 2019-0105 for your review and determination on the correct response or action.

Thanks!

(b) (6)

(b) (6)

Special Agent

(b) (6)

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